

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

LUISA S. LEON GUERRERO,)	CIVIL NO. 07-00612 HG-LEK
)	
Plaintiff,)	
)	
vs.)	ORDER DENYING APPLICATION TO
)	PROCEED WITHOUT PREPAYMENT OF
)	FEES
MICHAEL J. ASTRUE, Commissioner)	
of Social Security,)	
)	
Defendant.)	
_____)	

ORDER DENYING APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEES

On December 19, 2007, Plaintiff Luisa S. Leon Guerrero ("Plaintiff"), represented by counsel, filed a complaint against Michael J. Astrue, Commissioner of Social Security.

Also on December 19, 2007, Plaintiff filed an Application to Proceed Without Prepayment of Fees and Affidavit ("IFP Application").

Section 1915 of Title 28 of the United States Code provides:

(a)(1) Subject to subsection (b)¹, any court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor. Such affidavit shall state the nature of the action, defense or appeal and affiant's belief that the person is entitled to redress.

¹ Subsection (b) applies to prisoners.

28 U.S.C. § 1915(a)(1) (footnote added).

Plaintiff's IFP Application shows that she is currently unemployed and has not been employed since March 31, 1992. Plaintiff, however, indicates that she has a cash, checking, or savings account in her own name in the total amount of \$34,000 and a joint account with her husband in the total amount of \$33,000. Plaintiff further indicates that she owns a single family home, joint with her husband, valued at approximately \$700,000 and a 1993 Honda Accord valued at \$3,000. Plaintiff indicates that she does not have any dependents.

In light of Plaintiff's savings and other assets, it appears that Plaintiff is able to pay the costs for commencement of suit, therefore, the following order is entered.

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IT IS HEREBY ORDERED that Plaintiff's Application to Proceed Without Prepayment of Fees and Affidavit (Doc. 2) is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff pay the civil filing fee of \$350.00 within thirty (30) days of the date of this Order. Failure to comply with the provisions of this Order will result in the dismissal of Plaintiff's Complaint.

IT IS SO ORDERED.

Dated: January 17, 2008, Honolulu, Hawaii.



/s/ Helen Gillmor

Chief United States District Judge

LUISA S. GUERRERO V. MICHAEL J. ASTRUE; CIV. NO. 07-00612; ORDER
DENYING APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEES